

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

NATALIE LEE (CABN 277362)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
Natalie.Lee2@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 13-71470 MAG
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	CONTINUING APPEARANCE
v.)	
)	
RUBEN CHAVEZ,)	
)	
Defendant.)	
)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of June 17, 2014 at 9:30 a.m. before the duty Magistrate Judge and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. 3161(b), from May 20, 2014 to June 17, 2014, and thereby vacating the May 20, 2014 preliminary hearing date. The parties are meeting in person on May 16, 2014 in order to discuss the case, and the parties are actively trying to resolve the case pre-indictment. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.

3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

3. The defendant waives the time limits of Federal Rule of Criminal 5.1 for preliminary hearing.

4. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case during the normal 14 day timeline established in Rule 5.1.

5. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from May 20, 2014 to June 17, 2014, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty Magistrate Judge on June ¹⁷~~14~~, 2014 at 9:30 a.m., and (2) orders that the period from May 20, 2014 to June 17, 2014, be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial calculations under 18 U.S.C. 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: May 15, 2014

/S/
HARRIS TABACK
Attorney for Defendant

DATED: May 15, 2014

/S/
NATALIE LEE
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 5/19/14


HONORABLE DONNA M. RYU
United States Magistrate Judge